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**From:** Welles, Laura [Welles.Laura@epa.gov]  
**Sent:** 12/20/2016 11:22:09 PM  
**To:** Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]  
**Subject:** RE: Draft third party audit -- EPA revisions  
**Attachments:** Draft DR language\_12-19-16.docx; Proposed Final Order 11\_10\_16.docx; Draft WFM penalty calculations\_12-20-16.pdf

# Ex. 5 AC/AWP/DP

More on the minor side at this point – attached is the draft proposed final order. Again, it's boiler plate...

I'm hoping to get to the office around 8 or 8:15 tomorrow and so let me know if there's anything last minute that we need for the meeting at 9.

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**From:** Fogarty, Johnpc  
**Sent:** Tuesday, December 20, 2016 5:22 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** Re: Draft third party audit -- EPA revisions

# Ex. 5 AC/AWP/DP

Sent from my iPhone

On Dec 20, 2016, at 5:05 PM, Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)> wrote:

# Ex. 5 AC/AWP/DP

**From:** Fogarty, Johnpc  
**Sent:** Tuesday, December 20, 2016 4:46 PM  
**To:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>  
**Subject:** Fw: Draft third party audit -- EPA revisions

## Ex. 5 AC/AWP/DP

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**From:** Jennifer Hartman King <[JHartmanKing@kingwilliamslaw.com](mailto:JHartmanKing@kingwilliamslaw.com)>

**Sent:** Tuesday, December 20, 2016 3:27 PM

**To:** Welles, Laura; John Hempfling (CE CEN)

**Cc:** Fogarty, Johnpc

**Subject:** RE: Draft third party audit -- EPA revisions

Hi, John and Laura.

Thank you for sending your comments and proposed revisions to the draft third party audit provisions. We reviewed them today, and thought it might be helpful to send you our feedback in advance of our meeting tomorrow. Attached, please find a mark-up showing our requested revisions and a clean copy with our revisions incorporated.

Also, I have attached a copy of the SEP Workplan we submitted to EPA Region 6. We would like to discuss with you the possibility of implementing a similar SEP in WFM's potential agreement with your office.

We look forward to seeing you tomorrow.

Jennifer Hartman King, Managing Partner  
<image002.png>

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**From:** Welles, Laura [<mailto:Welles.Laura@epa.gov>]

**Sent:** Monday, December 19, 2016 11:37 AM

**To:** John Hempfling (CE CEN) <[John.Hempfling@wholefoods.com](mailto:John.Hempfling@wholefoods.com)>; Jennifer Hartman King <[JHartmanKing@kingwilliamslaw.com](mailto:JHartmanKing@kingwilliamslaw.com)>

**Cc:** Fogarty, Johnpc <[Fogarty.Johnpc@epa.gov](mailto:Fogarty.Johnpc@epa.gov)>

**Subject:** Draft third party audit -- EPA revisions

Hi Jenn and John,

We realize you are traveling east today, but we wanted to get back to you about our discussion last week regarding the draft third party audit provisions. As we discussed (and you'll find in the attached

revised audit), we are agreeable to most of the changes you proposed on 12-12-16. The only changes you'll find in the attached revised audit relate to certain provisions that EPA needs to have in an audit. These include:

# Ex. 4 CBI

Please let us know if you have any questions regarding the audit and our proposed changes. Perhaps we can touch base on the audit tomorrow during our check-in call. Although we haven't received a meeting invite yet, we did place a hold for a potential call tomorrow from 11 am to noon EST.

Also – in order to discuss numbers (i.e., SEPs and penalty) this Wednesday, we need to get Appendix A.

Safe travels and we look forward to seeing you Wednesday at 9 am EST.

Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
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